

Attorney's Docket No. 1038-557

- ☐ Original Application  
☐ PCT National Application—U.S. Designated Office  
☒ Continuation-in-Part Application

## COMBINED DECLARATION, PETITION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HIGH MOLECULAR WEIGHT SURFACE PROTEINS OF NON-TYPEABLE HAEMOPHILUS

☒ the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

☐ which is described in international application no. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I do not know and do not believe that the same was ever known or used in the United States before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof more than one year prior to this application or said international application, that the same was not in public use or on sale in the United States of America more than one year prior to this application or said international application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application or said international application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application or said international application and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application or said international application by me or my legal representatives or assigns except as identified below.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Number	Country	Date of Filing (day, month, year)	Priority Claimed
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/302,832  
(Application Serial No.)

October 5, 1994  
(Filing Date)

Pending  
(Status) (patented, pending, abandoned)

PCT/US93/02166  
(Application Serial No.)

March 16, 1993  
(Filing Date)

(Status) (patented, pending, abandoned)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Jerry W. Berkstresser, Reg. No. 22,651; Paul V. Del Giudice, Reg. No. 28,788;  
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Direct telephone calls to: Jerry W. Berkstresser, Paul V. Del Giudice, Allen P. Rosenberg, or Charles W. Fallow at (703) 415-0810

I hereby petition for grant of a United States Letters Patent on this invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
4. FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
5. FULL NAME OF FIFTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		